

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HANIEH SIGARI, et al.,

Plaintiffs,

v.

DARIUSZ BANASIK, et al.,

Defendants.

Case No. 24-cv-01816-EJD

**ORDER REGARDING LIMITED
RECEIVERSHIP OF PLAINTIFF
QYRAL, LLC; DIRECTING PARTIES
TO FILE JOINT PROPOSED ORDER
APPOINTING KEVIN A. SINGER TO
LIMITED RECEIVERSHIP**

Pending before the Court is Defendant's Emergency Motion (the "Motion") for Appointment of Receiver for Plaintiff Qyral, LLC ("Qyral"). *See* Mot., ECF No. 25. Plaintiffs oppose the Motion in part, agreeing that a receivership is warranted but disputing the scope of the receivership and the choice of receiver. *See* Opp'n, ECF No. 29.

With respect to the scope of the receivership, the Court concurs with the parties—as discussed at the April 9, 2024 hearing in this matter—that a receivership is necessary to ensure that Qyral remains a going concern, particularly in light of the parties' assertions that the other has engaged in improper conduct with respect to Qyral's operations. *See, e.g., Canada Life Assur. Co. v. LaPeter*, 563 F.3d 837, 844 (9th Cir. 2009). However, given that appointment of a receiver is an "extraordinary equitable remedy," *id.*, the Court believes at this early juncture that a limited receivership is more appropriate than a general receivership. The Court accordingly ORDERS the parties to meet and confer and agree on the scope of the limited receivership assignment.

With respect to the choice of receiver, the Court has reviewed the parties' competing

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1 submissions as to the proposed receiver, including the declarations of A. Kyle Everett, *see* ECF
2 No. 27, and Kevin A. Singer, *see* ECF No. 29-2, and finds Mr. Singer's long experience in
3 receiverships and lower hourly rates to make him the better candidate for receivership of Qyral.

4 For the foregoing reasons, the Court hereby ORDERS that the parties submit a joint
5 proposed order appointing Mr. Singer to a limited receivership over Qyral, with the agreed upon
6 scope of the limited assignment, by 3:00 p.m. on Friday, April 12, 2024, so that the Court may
7 review and approve the appointment and the parties can engage Mr. Singer by the close of
8 business on April 12, 2024.

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10 **IT IS SO ORDERED.**

11 Dated: April 11, 2024

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14 EDWARD J. DAVILA
15 United States District Judge
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